

REMARKS

By the present amendment claims 8, 12, 13, 21 and 34 have been amended, claims 5-7 and 26-27 are cancelled, and new claims 44-48 are presented. Claims 8, 10, 12-23, 25, 28-36 and 38-48 are pending in the application and claims 8, 10, 12-14, 21-23, 25, 34-36 and 38-48 are currently subject to examination.

On appeal, the Board of Patent Appeals and Interferences affirmed the examiner's rejection of some of the previously presented claims under Willey US 2001/0008879, stating that the applicant's claims 8 and 21 do not require the generation of a hypohalite, and that a hypohalite may not necessarily be generated by the same. Further, the Board asserts that the formulation in Willey may generate an insignificant amount of hypohalite while remaining within the teachings therein.

In the present claim amendments, the applicant modifies the independent claims to address these issues identified by the BPAI. Specifically, in claims 8 and 34, the applicant has added the requirement that the composition generate significant amounts of hypochlorous acid and hypochlorite species to decontaminate chemical and biological toxicants; thus, this claim (and the claims dependent thereon) is not intended to capture compositions that do not generate these active chlorine species, or generate them only in a negligible amount.

In claim 21 and newly presented claim 46, the applicant has sought to protect the simplicity of the present invention by limiting the claims to formulations consisting of the primary elements - an oxidant, a halide, buffer and a water (in addition to co-solvents and surfactants in claim 46). Willey and the other prior art cited by the examiner during the pendency of this application do not disclose such a formulation.

It is believed that these independent claims, and the claims dependent thereon, are in position for allowance. The examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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